

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America

v.

BYRON LEE TATE

Date of Previous Judgment: 02/25/2003

(Use Date of Last Amended Judgment if Applicable)

)

)

)

)

)

)

Case No: 3:01CR185-03

USM No: 17600-058

Tanzania C. Cannon-Eckerle

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 84 months **is reduced to** time served, plus 10 days.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 29

Criminal History Category: IV

Previous Guideline Range: 121 to 151 months

Amended Offense Level: 27

Criminal History Category: IV

Amended Guideline Range: 100 to 125 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☐ The reduced sentence is within the amended guideline range.

☒ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other (explain):

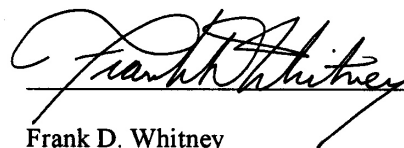
III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 02/25/2003 shall remain in effect.

IT IS SO ORDERED.

Order Date: November 18, 2008

Effective Date: _____
(if different from order date)



Frank D. Whitney
United States District Judge

